

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID SCOTT CLAPP,

Plaintiff,

v.

AMY MORALES, et al.,

Defendants.

ORDER

Case No. 17-cv-443-wmc

On June 8, 2017, this court entered an order assessing plaintiff an initial partial payment of the filing fee for this case, which plaintiff has paid. Now plaintiff has submitted a motion for an order directing prison officials to pay the remainder of the filing fees from plaintiff's release account.

There is no federal law permitting this court to require state officials to submit the entire filing fee by accessing a prisoner's release account funds. It is only when a prisoner's general account has insufficient funds to pay an initial partial filing fee payment that the Prisoner Litigation Reform Act ("PLRA") permits this court to order an institution to access a prisoner's release account funds to satisfy that payment. *See Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Furthermore, 28 U.S.C. § 1915 dictates the manner in which prisoner filing fees are to be paid and collected. If a prisoner requests leave to proceed *in forma pauperis*, the prisoner must first pay an initial partial payment of the filing fee and then send the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). The court has no authority to modify the statute's requirements and collect the full filing fee from plaintiff's release account. Accordingly, I will deny plaintiff's motion.

ORDER

IT IS ORDERED that plaintiff David Scott Clapp's motion for an order directing prison officials to pay the remainder of the filing fee in this case from plaintiff's release account is DENIED.

Entered this 14th day of July, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge